



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 4

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

COPY MAILED

SEP 27 2002

OFFICE OF PETITIONS

In Application of
Nguyen, et al.
Application No. 10/092,926
Filed: March 6, 2002
Attorney Docket No. 002558-064410US
Title: ASSAY SYSTEM FOR SIMULTANEOUS
DETECTION AND MEASUREMENT OF MULTIPLE
MODIFIED CELLULAR PROTEINS

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 19, 2002.

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on March 6, 2002. On April 9, 2002, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration (and a surcharge for its late filing). This Notice set a two-month period for reply.

In reply, applicant filed the instant petition, and paid the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a two month extension of time and included a Certificate of Mailing dated August 8, 2002.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Accompanying the petition were: (1) a declaration executed by inventor Nguyen, but with the signature block for inventor Song left blank; (2) an application data sheet; (3) a declaration from Catherine Green, stating that a "letter with documents for [Song's] signature" were mailed to Song's last known address via Airborne Express on March 11, 2002; and (4) an Airborne Express tracking notice indicating that the letter to Song was returned on April 15, 2002.

According to Green, Song was attempted to be located through an internet search; however, the search yielded too many individuals with the same name. In addition, Green states that three phone messages were left for Song, but no return calls or messages from Song were ever received. Lastly, Green indicates that as of the date of the declaration, no communication from Song of any kind has been received.

The declaration filed March 28, 2002 and the petition have been reviewed

and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

for D Mead

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

YONG SONG
629 MILLER AVE
APT 2
SOUTH SAN FRANCISCO CA 94080

COPY MAILED

SEP 27 2002

OFFICE OF PETITIONS

In re Application of
Nguyen, et al.
Application No. 10/092,926
Filed: March 6, 2002
Title: ASSAY SYSTEM FOR SIMULTANEOUS
DETECTION AND MEASUREMENT OF MULTIPLE
MODIFIED CELLULAR PROTEINS

LETTER

Dear Mr. Song:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (703) 305-0272. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

for M Wood

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Joel G. Ackerman
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200